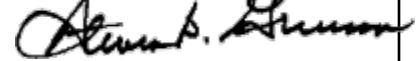


EXHIBIT 1


COMP**RAMZY PAUL LADAH, ESQ.**

Nevada Bar No. 11405

CARL R. HOUSTON, ESQ.

Nevada Bar No. 11161

LADAH LAW FIRM

517 S. Third Street

Las Vegas, NV 89101

litigation@ladahlaw.com

T: 702.252.0055

F: 702.248.0055

Attorney for Plaintiff

CASE NO: A-23-878441-C

Department 11

DISTRICT COURT**CLARK COUNTY, NEVADA**MARIA CARMEN RODRIGUEZ, an
individual,

Plaintiff,

vs.

RAISING CANE'S RESTAURANTS, L.L.C.
dba RAISING CANE'S; DOES I through
XXX, inclusive and ROE BUSINESS
ENTITIES I through XXX, inclusive,

Defendants.

Case No.:

Dept. No.:

COMPLAINT

COMES NOW Plaintiff, MARIA CARMEN RODRIGUEZ, by and through her counsel of record, RAMZY PAUL LADAH, ESQ., with the LADAH LAW FIRM, and for her claims of relief against the Defendants, and each of them, alleges, amends, and complains as follows:

JURISDICTION

1. At all times relevant hereto, Plaintiff was and still is a resident of the State of Nevada.

2. Upon information and belief, Defendant, RAISING CANE'S RESTAURANTS, L.L.C. dba RAISING CANE'S ("CANES"), was and still is a domestic Limited Liability Company licensed to do business in the State of Nevada.

3. That at all times relevant herein, Defendants designated as DOES I through XXX and ROE BUSINESS ENTITIES I through XXX, in their true capacities, whether individual,





1 corporate, associate or otherwise of the Defendants named herein are unknown to Plaintiff who,
2 therefore, sues said Defendants by said fictitious names; Plaintiff is informed, believes and thereon
3 alleges that each of the Defendants designated as a DOES I through XXX and ROE BUSINESS
4 ENTITIES I through XXX are responsible in some manner for the events and happenings referred
5 to herein, and caused damages proximately to Plaintiff as herein alleged, and Plaintiff will ask leave
6 of this court to amend this Complaint to insert the true names and capacities of DOES I through
7 XXX and ROE BUSINESS ENTITIES I through XXX, when the same have been ascertained and
8 to join such Defendants in this action.

9 **GENERAL ALLEGATIONS**

10 4. Plaintiff repeats and realleges each and every fact and allegation contained in this
11 Complaint and incorporates the same herein by reference as though fully set forth herein verbatim.

12 5. At all times relevant hereto, particularly on October 4, 2021, Defendants, and each of
13 them, either owned, managed, controlled, maintained, or in some other way was in charge of the
14 public walkways within their premises, located at 4655 W Charleston Blvd., Las Vegas, NV,
15 County of Clark, State of Nevada (hereinafter “subject premises”).

16 6. At all times relevant hereto, Defendants were the agents, servants, and employees of
17 each and every other Defendant and were acting within the course and scope of said employment
18 and agency.

19 7. At all times relevant hereto, Defendants were the owners, operators, managers,
20 controllers, inspectors, supervisors and controllers of the subject premises and of the common areas
21 of the subject premises.

22 8. At all times relevant hereto, Plaintiff was an invitee, patron, and/or guest of
23 Defendants subject premises upon which she was legally situated.

24 9. At all times relevant hereto, Plaintiff, who was an invitee on the subject premises,
25 was walking upon the public walkways within Defendants’ premises when she slipped and fell due
26 to the existence of a foreign substance on the ground. Such foreign substance was a dangerous
27 and/or hazardous condition. Plaintiff suffered serious and substantial injuries that required
28 immediate and subsequent medical attention. Plaintiff’s injuries are a direct and proximate result of

1 Defendants' negligence, including negligent construction, maintenance, inspection and/or repair of
2 the subject premises, which included, but was not limited to, improperly maintaining the walkway
3 area.

4 10. At all times relevant hereto, Defendants and their employee(s) failed to erect the
5 proper warning signs to indicate a dangerous and/or hazardous condition existed on the subject
6 premises.

7 **FIRST CAUSE OF ACTION**
8 **(Negligence)**

9 11. Plaintiff repeats and realleges each and every fact and allegation contained in this
10 Complaint and incorporates the same herein by reference as though fully set forth herein verbatim.

11 12. At all times relevant hereto, the Defendants, and each of them, were in control of the
12 subject premises and had a duty to properly and safely maintain and inspect the subject premises for
13 the care, safety and protection of those persons present on the subject premises, including Plaintiff.

14 13. At all times relevant hereto, Defendants, and each of them, negligently and
15 recklessly maintained and inspected the subject premises so that it was permitted to remain in an
16 unreasonably dangerous condition, presenting a danger to unsuspecting patrons, including Plaintiff.

17 14. At all times relevant hereto, Defendants, and each of them, and/or their agents,
18 employees and servants had notice, actual or constructive, of the dangerous condition, and therefore
19 had full knowledge of, or should have had full knowledge of, the dangerous condition and failed to
20 remedy the dangerous condition or otherwise take action to make it safe or notify patrons of the
21 dangerous condition.

22 15. At all times relevant hereto, Defendants, and each of them, and/or their agents,
23 employees and servants, breached the duty of care owed to Plaintiff by negligently maintaining and
24 inspecting the subject premises and further failing to warn Plaintiff of the unreasonably dangerous
25 condition.

26 16. As a result of Defendants' aforesaid negligent actions and/or failures to act, Plaintiff
27 was injured in her health, strength and activity, sustaining shock and injury to her body and person,
28





1 all of which have caused, and will continue to cause, the Plaintiff physical, mental, and nervous
2 pain and suffering.

3 17. As a result of Defendants' aforesaid negligent actions and/or failures to act, Plaintiff
4 has incurred expenses for medical care and treatment, expenses incidental thereto, loss wages and
5 loss of earning capacity, all to Plaintiff's damage, the present amount of which is unknown but is
6 currently in excess of \$15,000.00; such expenses and losses will continue in the future, all to
7 Plaintiff's damage in a presently unascertainable amount. In this regard, Plaintiff prays for leave of
8 Court to insert all said damages herein when the same have been fully ascertained.

9 18. As a result of Defendants' aforesaid negligent actions, it has been necessary for
10 Plaintiff to retain LADAH LAW FIRM to prosecute this action, and Plaintiff is entitled to recover
11 reasonable attorneys' fees and costs.

12 **SECOND CAUSE OF ACTION**
13 **(Negligent Hiring, Training, Supervision and Policies/Procedures)**

14 19. Plaintiff repeats and realleges each and every fact and allegation contained in this
15 Complaint and incorporates the same herein by reference as though fully set forth herein verbatim.

16 20. Defendants, and each of them, acted negligently, among other reasons in failing to
17 do the following:

- 18 i. Establish and implement proper policies and procedures for employees, staff and
19 agents working for Defendants;
- 20 ii. Establish and implement property policies and procedures for proper maintenance,
21 repair, inspection and/or upkeep of the subject premises;
- 22 iii. Establish and implement property policies and procedures for warning patrons, or
23 otherwise warning such patrons, of potentially dangerous conditions;
- 24 iv. Properly, responsibly and prudently hire employees;
- 25 v. Properly, responsibly and prudently investigate employees before hiring them;
- 26 vi. Properly, responsibly and prudently supervise and/or manage employees once they
27 were hired;



- 1 vii. Properly, responsibly and prudently train employees or instruct them as to their
2 duties;
- 3 viii. Properly, responsibly and prudently monitor and regulate the conduct of employees;
- 4 ix. Properly, responsibly and prudently delegate maintenance responsibilities to
5 employees, agents, DOE Defendants or ROE BUSINESS ENTITIES;
- 6 x. Properly, responsibly and prudently set up mechanisms to ensure that all areas are
7 reasonably kept in proper and safe conditions.
- 8 21. As a result of Defendants' aforesaid negligent actions and/or failures to act, Plaintiff
9 was injured in her health, strength and activity, sustaining shock and injury to her body and person,
10 all of which have caused, and will continue to cause, the Plaintiff physical, mental, and nervous
11 pain and suffering.
- 12 22. As a result of Defendant's aforesaid negligent actions and/or failures to act, Plaintiff
13 has incurred expenses for medical care and treatment, expenses incidental thereto, lost wages and
14 loss of earning capacity, all to Plaintiff's damage, the present amount of which is unknown but is
15 currently in excess of \$15,000.00; such expenses and losses will continue in the future, all to
16 Plaintiff's damage in a presently unascertainable amount. In this regard, Plaintiff prays for leave of
17 Court to insert all said damages herein when the same have been fully ascertained.
- 18 23. As a result of Defendants' aforesaid negligent actions, it has been necessary for
19 Plaintiff to retain LADAH LAW FIRM to prosecute this action, and Plaintiff is entitled to recover
20 reasonable attorneys' fees and costs.
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WHEREFORE, Plaintiff prays for judgment against the Defendants as follows:

1. For general damages and loss in an amount in excess of fifteen thousand dollars (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For economic damages in an amount to be determined at time of trial;
4. For prejudgment interest, reasonable attorney's fees and costs; and
5. For such other and further relief as the Court may deem just and proper.

DATED this 25th day of September 2023.

LADAH LAW FIRM

/s/ Carl R. Houston

RAMZY PAUL LADAH, ESQ.

Nevada Bar No. 11405

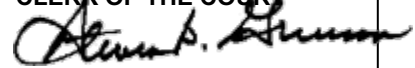
CARL R. HOUSTON, ESQ.

Nevada Bar No.11161

517 S. Third Street

Las Vegas, NV 89101

Attorneys for Plaintiff



1 **ANS**

JOSH COLE AICKLEN

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6 LEWIS BRISBOIS BISGAARD & SMITH LLP

6385 S. Rainbow Boulevard, Suite 600

7 Las Vegas, Nevada 89118

Telephone: 702.893.3383

8 Facsimile: 702.893.3789

9 Attorneys for Defendant RAISING CANE'S

RESTAURANTS, L.L.C. D/B/A RAISING

10 CANE'S

11 DISTRICT COURT

12 CLARK COUNTY, NEVADA

13
14 MARIA CARMEN RODRIGUEZ, an
15 individual,

16 Plaintiff,

17 vs.

18 RAISING CANE'S RESTAURANTS,
19 L.L.C. D/B/A RAISING CANE'S; DOES I
20 through XXX, inclusive and ROE
BUSINESS ENTITIES I through XXX,
inclusive,

21 Defendants.

Case No. A-23-878441-C

Dept. No.: 11

**DEFENDANT RAISING CANE'S
RESTAURANTS, L.L.C. D/B/A RAISING
CANES ANSWER TO PLAINTIFF'S
COMPLAINT**

22
23
24 COMES NOW, Defendant RAISING CANE'S RESTAURANTS, L.L.C. D/B/A
25 RAISING CANE'S (hereinafter, "Defendant"), by and through its counsel of record, Josh
26 Cole Aicklen, Esq., David B. Avakian, Esq., and Yilmaz E. Turkeri, Esq. of the law firm
27 LEWIS BRISBOIS BISGAARD & SMITH LLP, and for its answers to Plaintiff's Complaint
28 on file herein, allege as follows:

JURISDICTION

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2 1. Answering Paragraph 1 of Plaintiff's Complaint, Defendant is without
3 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations
4 contained therein and, on that basis, denies them.

5 2. Answering Paragraph 2 of Plaintiff's Complaint, Defendant states that it is a
6 Louisiana limited liability company and admits the remaining allegations contained within
7 the paragraph.

8 3. Answering Paragraph 3 of Plaintiff's Complaint, Defendant is without
9 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations
10 contained therein and, on that basis, denies them.

GENERAL ALLEGATIONS

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12 4. Answering Paragraph 4 of Plaintiff's Complaint, Defendant repeats and
13 realleges its answers to Paragraphs 1 through 3 and incorporates the same as though fully
14 set forth herein.

15 5. Answering Paragraph 5 of Plaintiff's Complaint, Defendant is without
16 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations
17 contained therein and, on that basis, denies them.

18 6. Answering Paragraph 6 of Plaintiff's Complaint, Defendant is without
19 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations
20 contained therein and, on that basis, denies them.

21 7. Answering Paragraph 7 of Plaintiff's Complaint, Defendant is without
22 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations
23 contained therein and, on that basis, denies them.

24 8. Answering Paragraph 8 of Plaintiff's Complaint, Defendant is without
25 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations
26 contained therein and, on that basis, denies them.

27 9. Answering Paragraph 9 of Plaintiff's Complaint, Defendant is without
28 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations

1 contained therein and, on that basis, denies them.

2 10. Answering Paragraph 10 of Plaintiff's Complaint, Defendant is without
3 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations
4 contained therein and, on that basis, denies them.

5 **FIRST CAUSE OF ACTION**

6 **(Negligence)**

7 11. Answering Paragraph 11 of Plaintiff's Complaint, Defendant repeats and
8 realleges its answers to Paragraphs 1 through 10 and incorporates the same as though
9 fully set forth herein.

10 12. Answering Paragraph 12 of Plaintiff's Complaint, Defendant is without
11 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations
12 contained therein and, on that basis, denies them.

13 13. Answering Paragraph 13 of Plaintiff's Complaint, Defendant is without
14 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations
15 contained therein and, on that basis, denies them.

16 14. Answering Paragraph 14 of Plaintiff's Complaint, Defendant is without
17 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations
18 contained therein and, on that basis, denies them.

19 15. Answering Paragraph 15 of Plaintiff's Complaint, Defendant is without
20 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations
21 contained therein and, on that basis, denies them.

22 16. Answering Paragraph 16 of Plaintiff's Complaint, Defendant is without
23 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations
24 contained therein and, on that basis, denies them.

25 17. Answering Paragraph 17 of Plaintiff's Complaint, Defendant is without
26 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations
27 contained therein and, on that basis, denies them.

28 18. Answering Paragraph 18 of Plaintiff's Complaint, Defendant is without

1 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations
2 contained therein and, on that basis, denies them.

3 **SECOND CAUSE OF ACTION**

4 **(Negligent Hiring, Training, Supervision and Policies/Procedures)**

5 19. Answering Paragraph 19 of Plaintiff's Complaint, Defendant repeats and
6 realleges its answers to Paragraphs 1 through 18 and incorporates the same as though
7 fully set forth herein.

8 20. Answering Paragraph 20 of Plaintiff's Complaint, Defendant is without
9 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations
10 contained therein and, on that basis, denies them.

11 21. Answering Paragraph 21 of Plaintiff's Complaint, Defendant is without
12 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations
13 contained therein and, on that basis, denies them.

14 22. Answering Paragraph 22 of Plaintiff's Complaint, Defendant is without
15 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations
16 contained therein and, on that basis, denies them.

17 23. Answering Paragraph 23 of Plaintiff's Complaint, Defendant is without
18 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations
19 contained therein and, on that basis, denies them.

20 **AFFIRMATIVE DEFENSES**

21 **FIRST AFFIRMATIVE DEFENSE**

22 Any injuries suffered by the Plaintiff were the result of her own negligence, and
23 therefore, Defendant is not responsible to the Plaintiff for any damages. In the event Plaintiff
24 is entitled to any damages, the amount of these damages should be reduced or barred by
25 the comparative fault of Plaintiff and any person whose negligent acts or omissions are
26 imputed to Plaintiff.

27 **SECOND AFFIRMATIVE DEFENSE**

28 Plaintiff knowingly, voluntarily and unreasonably undertook to encounter each of the

1 risks and hazards, if any, referred to in the Complaint and each alleged cause of action,
2 and this undertaking proximately caused and contributed to any loss, injury or damages
3 incurred by Plaintiff.

4 **THIRD AFFIRMATIVE DEFENSE**

5 Any loss, injury or damage incurred by Plaintiff was proximately caused by the
6 negligent or willful acts or omissions of third parties whom Defendant neither controlled nor
7 had the right to control, and were not proximately caused by any acts, omissions or other
8 conduct of Defendant.

9 **FOURTH AFFIRMATIVE DEFENSE**

10 Defendant alleges that at the time of the injuries alleged in the Complaint, parties
11 other than Defendant was negligent in and about the matters referred to in said Complaint,
12 and that such negligence on the part of said parties proximately and concurrently
13 contributed to any loss or damage, including non-economic damages, complained of by
14 Plaintiff, if any there were; and that Defendant herein shall not be liable for said parties'
15 proportionate share of damages.

16 **FIFTH AFFIRMATIVE DEFENSE**

17 Plaintiff failed to exercise due diligence to mitigate her loss, injury or damages;
18 accordingly, the amount of damages to which Plaintiff is entitled, if any, should be reduced
19 by the amount of damages which would have otherwise been mitigated.

20 **SIXTH AFFIRMATIVE DEFENSE**

21 Defendant owed no duties to Plaintiff as alleged and as such cannot be proximately
22 the cause of Plaintiff's damages.

23 **SEVENTH AFFIRMATIVE DEFENSE**

24 Plaintiff's Complaint is barred by applicable statutes of limitations and/or the doctrine
25 of laches and unclean hands.

26 **EIGHTH AFFIRMATIVE DEFENSE**

27 Defendant further alleges that the Complaint fails to state a claim against Defendant
28 upon which relief can be granted.

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NINTH AFFIRMATIVE DEFENSE

That any damage claim by Plaintiff is speculative, is not supported by proof, and is not compensable as a matter of law.

TENTH AFFIRMATIVE DEFENSE

Any harm or injury or claim of Plaintiff or cause of action of Plaintiff, as alleged or stated in Plaintiff's Complaint, is barred by the doctrines of estoppel and waiver as to all or part of the claims of Plaintiff.

ELEVENTH AFFIRMATIVE DEFENSE

All risks and dangers described in Plaintiff's Complaint were open, obvious and known to Plaintiff, negating any duty to warn, and Plaintiff voluntarily assumed said risks and dangers.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiff has failed to exhaust all of her administrative remedies.

THIRTEENTH AFFIRMATIVE DEFENSE

This Honorable Court may not have jurisdiction over this answering Defendant.

FOURTEENTH AFFIRMATIVE DEFENSE

Defendant presently has insufficient knowledge or information on which to form a belief as to whether it may have additional, as yet unstated, affirmative defenses available. Pursuant to NRCP Rule 8, Rule 11, and Rule 12, Defendant reserves herein the right to assert additional defenses in the event discovery indicates that they would be appropriate.

PRAYER FOR RELIEF

WHEREFORE, Defendant prays for judgment as follows:

1. That Plaintiff take nothing by way of her Complaint;

2. That Defendant be awarded reasonable attorneys' fees and costs of suit incurred in defending this action;

3. All other and further relief the Court deems just and proper.

DATED this 30th day of October, 2023

Respectfully Submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

By /s/ David B. Avakian

JOSH COLE AICKLEN

Nevada Bar No. 007254

DAVID B. AVAKIAN

Nevada Bar No. 009502

YILMAZ E. TURKERI

Nevada Bar No. 15468

6385 S. Rainbow Boulevard, Suite 600

Las Vegas, Nevada 89118

Tel. 702.893.3383

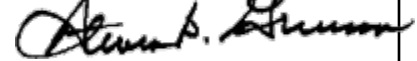
Attorneys for Defendant RAISING CANE'S
RESTAURANTS, L.L.C. D/B/A RAISING
CANES

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Lewis Brisbois Bisgaard & Smith LLP and that on this 30th day of October, 2023, I served a true copy of the **DEFENDANT RAISING CANE'S RESTAURANTS, L.L.C. D/B/A RAISING CANE'S ANSWER TO PLAINTIFF'S COMPLAINT** via electronic service as follows:

Ramzy Paul Ladah, Esq. Carl R. Houston, Esq. LADAH LAW FIRM 517 S. Third Street Las Vegas, NV 89101 Tel: (702) 252-0055 Fax: (702) 248-0055 Email: litigation@ladahlaw.com Attorneys for Plaintiff MARIA CARMEN RODRIGUEZ	
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By /s/ Peggy Kurilla
An Employee of
LEWIS BRISBOIS BISGAARD & SMITH LLP



RAMZY P. LADAH, ESQ.
Nevada Bar No. 11405
CARL R. HOUSTON, ESQ.
Nevada Bar No. 11161
LADAH LAW FIRM
517 S. Third Street
Las Vegas, NV 89101
litigation@ladahlaw.com
T: 702.252.0055
F: 702.248.0055
Attorneys for Plaintiff

DISTRICT COURT**CLARK COUNTY, NEVADA**

MARIA CARMEN RODRIGUEZ, an
individual,
Plaintiff,

vs.

RAISING CANE'S RESTAURANTS, L.L.C.
d/b/a RAISING CANE'S; DOES I through
XXX, inclusive and ROE BUSINESS
ENTITIES I through XXX, inclusive,
Defendants.

Case No.: A-23-878441-C
Dept. No.: XI

**PLAINTIFF'S REQUEST FOR
EXEMPTION FROM ARBITRATION**

COMES NOW, Plaintiff, by and through her attorney Carl R. Houston of Ladah Law Firm,
hereby requests that the above-entitled matter be exempted from the Court Annexed Arbitration
Program pursuant to Nevada Arbitration Rule 5. This matter qualifies for a permissive exemption (NAR
5(b)) because:

- ☐ case presents significant issues of public policy
- ☐ case presents unusual circumstances that constitute good cause
- ☒ case involves an amount in excess of \$50,000 per Plaintiff, exclusive of interest and costs

A summary of the facts which support Plaintiff's request for exemption are as follows:

On October 4, 2021, Plaintiff was on Defendants' premises when she slipped and fell due to
the existence of a foreign substance on the ground causing injuries to Plaintiff.

///



PLAINTIFF'S MEDICAL TREATMENT

As a result of the subject incident, Plaintiff was transported to University Medical Center by MedicWest Ambulance complaining of back and shoulder pain. The impression was musculoskeletal pain.

Starting from October 13, 2021 Plaintiff sought physical therapy from Lyons Physical Therapy and underwent pain management at Nevada Spine Clinic.

Plaintiff underwent MRIs of her lumbar and cervical spine, her left shoulder, and her left knee on November 3, 2021 at Precision Diagnostic Imaging. The images showed a meniscal tear in her left knee, disc bulges and disc herniations of the cervical and lumbar MRIs.

During her pain management treatment, Plaintiff underwent the following procedures at Smoke Ranch Surgery Center:

- 6/10/22 – Bilateral C5-6 transforaminal epidural steroid injection 7 left C6-7 transforaminal epidural steroid injection
- 1/27/22 – Left sided L3-4, L4-5 transforaminal epidural steroid injection, fluoroscopy, epidurogram
- 1/14/22 – Left C5-6, C6-7 transforaminal epidural steroid injection, fluoroscopy, epidurogram

Plaintiff's left knee continued to bother her, so she sought treatment at Al Medical Group and was assessed with unilateral post traumatic osteoarthritis in the left knee and was referred to an orthopedic.

Plaintiff also underwent an MRI of her left knee on February 2, 2023 through Pueblo Medical Imaging which showed large full-thickness radial tear, horizontal tear, and joint effusion.

From March 17, 2023 through May 5, 2023, Plaintiff sought treatment from Extremities Surgical Institute and underwent a plasma injection into her left knee on April 3, 2023.

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The following is a list of Plaintiff's post-injury medical specials incurred to date:

Facility:	Amount:
MedicWest Ambulance	\$1,205.50
University Medical Center	\$TBD
Sound Physicians Emergency Medicine	\$329.00
Lyons Physical Therapy	\$19,195.00
Nevada Spine Clinic	\$57,471.75
Precision Diagnostic Imaging	\$7,570.00
Smoke Ranch Surgery Center	\$22,711.00
Al Medical Group/Redrock Neurology	\$4,200.00
Pueblo Medical Imaging	\$1,795.00
Las Vegas Pharmacy, Inc.	\$1,999.98
Extremities Surgical Institute	\$9,258.65
Total:	\$125,735.88

Plaintiff's general damages are in an amount well in excess of \$50,000 and will be determined at trial.

As is evidenced by the serious injuries diagnosed by Plaintiff's healthcare providers, together with the significant past and future medical expenses incurred by Plaintiff, this case clearly has a probable jury award value well in excess of \$50,000. Accordingly, and pursuant to NAR 3, this matter is appropriately exempted from the Court Annexed Arbitration Program. Further, this request for exemption is timely filed pursuant to the requirements set forth in NAR 5.

Based upon the foregoing, Plaintiff's undersigned counsel certifies pursuant to NRCP Rule 11, this case to be within the exemption marked above, and is aware of the sanctions which may be imposed against any attorney or party who without good cause or justification attempts to remove a case from the arbitration program.

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1 The Undersigned counsel further certifies pursuant to NRS Chapter 239B and NRS 603A.040
2 that this document and any attachments thereto do not contain personal information including,
3 without limitation, home address/phone number, social security number, driver's license number or
4 identification card number, account number, PIN numbers, credit card number or debit card number,
5 in combination with any required security code, access code or password that would permit access to
6 the person's financial account.
7

8 **DATED** this 20th day of November 2023.

9 **LADAH LAW FIRM**

10 */s/ Carl R. Houston*

11 **RAMZY P. LADAH, ESQ.**

12 Nevada Bar No. 11405

13 **CARL R. HOUSTON, ESQ.**

14 Nevada Bar No. 11161

15 517 S. Third Street

16 Las Vegas, NV 89101

17 *Attorneys for Plaintiff*
18
19
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28

LADAH LAW
FIRM



CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), on this 20th day of November 2023 a true and complete copy of
PLAINTIFF'S REQUEST FOR EXEMPTION FROM ARBITRATION was served on the
following interested parties by the action(s) indicated below:

JOSH COLE AICKLEN
DAVID B. AVAKIAN
YILMAZ E. TURKERI
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600 Las
Vegas, Nevada 89118
Attorneys for Defendant,
Raising Cane's Restaurants, L.L.C.
d/b/a Raising Cane's

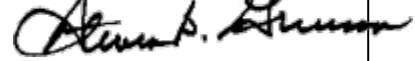
Method of Service

- ☐ **U.S. First Class Mail:** I deposited a true and correct copy of said document(s) via U.S. First Class mail, with postage pre-paid.
- ☐ **Facsimile:** I caused said document(s) to be transmitted by facsimile transmission. The sending facsimile machine properly issued a transmission report confirming that the transmission was complete and without error.
- ☐ **Electronic Mail:** I caused said document(s) to be delivered by emailing an attached Adobe Acrobat PDF of the document to the email address(es) identified above.
- ☒ **Electronic Service:** I caused said document to be delivered by electronic means upon all eligible electronic recipients via the Clark County District Court E-Filing system

/s/ Tressy Kip
An employee of Ladah Law Firm

LADAH LAW
FIRM





CDRG

DISTRICT COURT

CLARK COUNTY, NEVADA

Maria Rodriguez, Plaintiff(s)

vs.

CASE NO: A-23-878441-C

DEPT. NO: XI

Raising Cane s Restaurants LLC,

Defendant(s)

COMMISSIONER'S DECISION ON REQUEST FOR EXEMPTIONREQUEST FOR EXEMPTION FILED ON: November 20, 2023EXEMPTION FILED BY: Plaintiff OPPOSITION: No**DECISION**

Having reviewed the Request for Exemption, and all related pleadings, the Request
for Exemption is hereby GRANTED.

DATED this 11th of December, 2023.

ADR COMMISSIONER

NOTICE

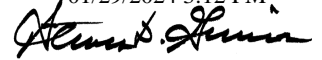
Pursuant to Nevada Arbitration Rule 5(d), you are hereby notified you have 7 days from the date you are served with this document within which to file written objections with the Clerk of Court and serve all parties. The Commissioner's Decision is deemed served three (3) days after the Commissioner's designee deposits a copy of the Decision in the U.S. Mail. **Pursuant to NEFCR 9(f)(2) an additional 3 days is not added to the time if served electronically (via e-service).**

A copy of the foregoing Commissioner's Decision on Request for Exemption was electronically served, pursuant to NEFCR 9, to all registered parties in the Eighth Judicial District Court Electronic Filing Program on the date of e-filing.

If indicated below, a copy of the foregoing Commissioner's Decision on Request for Exemption was also:

☐ Mailed by United States Postal Service, Postage prepaid, to the proper parties listed below at their last known address(es) on _____, 2023.

/s/ Lisa Kaba
ADR COMMISSIONER'S DESIGNEE


CLERK OF THE COURT

MRSC

DISTRICT COURT

CLARK COUNTY, NEVADA

MARIA RODRIGUEZ, Plaintiff(s),**vs.****RAISING CANE'S RESTAURANTS, LLC
Defendant(s).****CASE NO: A-23-878441-C
DEPT. 11****Date of Hearing: February 13, 2024
Time of Hearing: 2:00 p.m.****MANDATORY RULE 16 CONFERENCE ORDER**

A Joint Case Conference Report, or at least one Individual Case Conference Report having been filed in this matter, and good cause appearing, the Court will conduct a Rule 16 pretrial/case conference with lead counsel in the above referenced matter to assist in securing the “just, speedy, and inexpensive determination” of this case. *See* NRCP 1, NRCP 16(c)(N), and EDCR 1.90.

One of the purposes for this Rule 16 Pretrial Conference is to discuss the contents of a Scheduling Order, which will issue at the conclusion of the Conference. A Scheduling Order will issue directly from Department 11, pursuant to NRCP 16(b).

At least one of the attorneys for each party who participates in this conference shall have authority to enter into stipulations.

Some of the goals of the conference are to determine the following:

- 1) Status of settlement negotiations and the need for specifically identified discovery matters necessary before the parties can enter into a meaningful settlement conference;
- 2) Present medical status of Plaintiff, if a personal injury matter;
- 3) Specific, itemized amount of Plaintiff's damages to date for every type of action, be it negligence, contract, employment, etc.;
- 4) Names and addresses of relevant witnesses not set forth in 16.1 report;
- 5) What experts, if any, are needed and a timetable for engaging the same;

6) Nature and timing of all proposed discovery, including the names and addresses of all persons each party needs to depose before a settlement conference, not all who are required to be deposed before trial;

7) Simplification of issues;

8) Alternate dispute resolution techniques which may be applied to the case;

9) Estimated costs for each party to take case through trial;

10) Estimated attorneys' hours and fees to take case through trial;

11) Whether there is any provision by contract or statute which would allow the prevailing attorney to recover some of its attorneys' fees;

12) Any special case management procedure appropriate to the case;

13) Scheduling a settlement conference/mediation;

14) Trial setting; and

15) Any other matter that may aid in the prompt disposition and resolution of this action.

THEREFORE, IT IS HEREBY ORDERED THAT:

A. **Lead trial counsel MUST** attend the conference and be prepared to discuss the matters stated above and any matter contained in NRCP 16(b)(2) on which the Court may take action at the conference.

B. If it has not already been done, no later than 5 days prior to the conference, each attorney shall provide the other attorney(s) the following items:

1) A signed medical release form for each medical provider seen by Plaintiff for the injuries complained of in the complaint, if applicable;

2) A copy of the declaration page of **every** insurance policy which **might** offer coverage for the alleged injury/damage, if applicable; and

3) An itemized list of damages known to date.

C. Each attorney participating must be familiar with, and prepared to discuss all of the issues set forth in NRCP 16.

D. The conference shall be held in Department 11, on the 11th floor of the Phoenix Building, Courtroom 116, 330 S. 3rd Street, Las Vegas, NV 89101, or via BlueJeans on **FEBRUARY 13, 2024 AT 2:00 PM.**

E. Plaintiff is responsible for serving a copy of this Order upon counsel for all parties who have not formally appeared in this case as of the date of the filing of this order.

Failure of any party to participate in good faith in the Mandatory Conference may result in the imposition of sanctions in accordance with NRCP 16 and NRCP 26; and

Failure to comply with any provision of this Pretrial Order may result in the imposition of sanctions.

Dated this 29th day of January, 2024



2BD 419 C25F 8945
Anna Albertson
District Court Judge

Bluejeans Information: <https://bluejeans.com/147328257>
Meeting ID: 147 328 257
Dial-In Information: +1.408.419.1715 or +1.408.915.6290

Should you choose to appear via Bluejeans, PLEASE TAKE NOTICE THAT:

- You are required to file advance notice of your intent to appear remotely;
- We ask that you please be online to check in at least ten minutes before your scheduled hearing;
- You accept any and all risk/s for technical issues/malfunctions/difficulties;
- You are expected to have your camera and sound on at the time of your appearance;
- Your name must be displayed at all times;
- You may only log on under one account;
- All courtroom rules and requirements still apply.

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Maria Rodriguez, Plaintiff(s)

CASE NO: A-23-878441-C

vs.

DEPT. NO. Department 11

Raising Cane s Restaurants LLC,
Defendant(s)

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Mandatory Rule 16 Conference Order was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 1/29/2024

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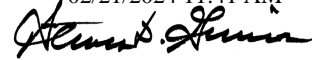
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CLERK OF THE COURT

SCHTO

DISTRICT COURT
CLARK COUNTY, NEVADA

MARIA RODRIGUEZ, Plaintiff(s),

vs.

RAISING CANE'S RESTAURANTS LLC,
Defendant(s).

CASE NO: A-23-878441-C

DEPT. 11

SCHEDULING ORDER AND ORDER SETTING CIVIL JURY TRIAL

NATURE OF ACTION: Negligence – Premises Liability

TIME REQUIRED FOR TRIAL: 5 – 7 Days

TRIAL DATE: SEPTEMBER 8, 2025

DATES FOR SETTLEMENT CONFERENCE: N/A

The parties herein appeared before the Honorable Judge Albertson in Department 11 of the Eighth Judicial District Court for a Mandatory Rule 16 Discovery Conference, wherein all discovery deadlines were agreed upon and ordered by the Court. This order may only be amended or modified by further order of the court upon good cause shown,

IT IS HEREBY ORDERED:

1. All parties shall complete discovery on or before: **MARCH 31, 2025.**
2. All parties shall file motions to amend pleadings or add parties on or before:
DECEMBER 31, 2024.
3. All parties shall make initial expert disclosures pursuant to N.R.C.P. 16.1(a)(2) on or before: **DECEMBER 31, 2024.**
4. All parties shall make rebuttal expert disclosures pursuant to N.R.C.P. 16.1(a)(2) on or before: **JANUARY 30, 2025.**

5. All parties shall file dispositive motions on or before: **APRIL 30, 2025.**

Certain dates may have been changed to bring all deadlines into compliance with N.R.C.P.

16.1.

Unless otherwise directed by the court, all pretrial disclosures pursuant to N.R.C.P. 16.1(a)(3) must be made at least 30 days before trial.

Motions for extensions of discovery shall be made in strict accordance with E.D.C.R. 2.35. The deadline for responding to discovery requests must fall on or before the date discovery closes. A deposition must be completed on or before the date discovery closes, unless leave has been granted by the Discovery Commissioner or District Court.

Unless otherwise ordered, all discovery disputes (except disputes presented at a pre-trial conference or at trial) must first be heard by the Discovery Commissioner.

IT IS HEREBY FURTHER ORDERED:

A. The above entitled case is set for trial on a 5-week stack commencing:

SEPTEMBER 8, 2025 AT 9:30 AM.

B. A Status Check: Trial Readiness will be held on: **JUNE 3, 2025 AT 9:30 AM.**

C. A Pre-Trial Conference with the designated attorney and/or parties in proper person will be held on **AUGUST 5, 2025 AT 9:30 AM. ALL TRIAL COUNSEL** should be prepared to advise the court of any potential conflicts they or their witnesses have in the five (5) week stack. Furthermore, counsel shall be prepared to discuss all items in E.D.C.R. 2.68.

D. A Calendar Call will be held on **AUGUST 20, 2025 AT 9:30 AM. ALL TRIAL COUNSEL** (and any party in proper person) must appear and bring all items listed in E.D.C.R. 2.69. If counsel anticipates the need for audio visual equipment during trial, a request must be submitted to the District Court AV Department prior to the Calendar Call.

E. The Joint Pre-trial Memorandum must be filed no later than **4:00 PM** on **AUGUST**

1 **18, 2025.** EDCR 2.67 must be fully complied with.

2 F. Stipulations to continue trial and discovery deadlines must comply with EDCR 2.35.
3 All Stipulations resulting in the continuance of a trial must include an Order and be submitted to
4 Department 11 for signature by the District Court Judge.

5 G. All motions in limine shall be filed on or before **JULY 1, 2025.** Counsel are required
6 to confer, **pursuant to EDCR 2.47,** at least one **week prior** to filing any motion in limine and set
7 forth in a declaration or affidavit what attempts to resolve the matter were made, what was resolved,
8 what was not resolved and the reasons therefore.

10 H. Orders shortening time will not be signed except in extreme emergencies. **AN**
11 **UPCOMING TRIAL DATE IS NOT AN EXTREME EMERGENCY**

12 Failure of the designated trial attorney or any party appearing in proper person to appear for
13 any court appearances or to fully comply with EDCR 2.67 or this trial Order shall result in any of the
14 following: (1) dismissal of the action (2) default judgment; (3) monetary sanctions; (4) vacation of
15 trial date; and/or any other appropriate remedy or sanction.

17 Counsel must advise the Court immediately when the case settles or is otherwise resolved
18 prior to trial. A stipulation which terminates a case by dismissal shall indicate whether a Scheduling
19 Order has been filed and, if a trial date has been set, the date of that trial.

21 Dated this 21st day of February, 2024

22 
23

24 **32F 819 7135 A148**
25 **Anna Albertson**
26 **District Court Judge**

27
28 Dept. 11 Zoom information on next page.

1 Join Zoom Meeting

2 <https://clarkcountycourts-us.zoom.us/j/84447186317?pwd=aUF3ekVjZ2RpaDhFL29MMVhaQ1F1Zz09>

3 Meeting ID: 844 4718 6317

4 Passcode: 394923

5 Should you choose to appear via Zoom, PLEASE TAKE NOTICE THAT:

- 6
- You are required to file advance notice of your intent to appear remotely;
 - We ask that you please be online to check in at least ten minutes before your scheduled
 - 7 hearing;
 - You accept any and all risk/s for technical issues/malfunctions/difficulties;
 - 8
 - You are expected to have your camera and sound on at the time of your appearance;
 - 9
 - Your name must be displayed at all times;
 - 10
 - You may only log on under one account;
 - All courtroom rules and requirements still apply.
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CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Maria Rodriguez, Plaintiff(s)

CASE NO: A-23-878441-C

vs.

DEPT. NO. Department 11

Raising Cane's Restaurants LLC,
Defendant(s)

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Scheduling and Trial Order was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

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Tressy Kip

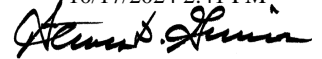
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CLERK OF THE COURT

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9 Attorneys for Defendant RAISING CANE'S
 RESTAURANTS, L.L.C. D/B/A RAISING
 10 CANE'S

11
 12 DISTRICT COURT
 13 CLARK COUNTY, NEVADA

14 MARIA CARMEN RODRIGUEZ, an
 15 individual,

16 Plaintiff,

17 vs.

18 RAISING CANE'S RESTAURANTS,
 L.L.C. D/B/A RAISING CANE'S; DOES I
 19 through XXX, inclusive and ROE
 20 BUSINESS ENTITIES I through XXX,
 inclusive,

21 Defendants.

Case No. A-23-878441-C

Dept. No.: 11

**CONFIDENTIALITY STIPULATION AND
 ORDER**

22
 23
 24 Certain parties believe that discovery will encompass documents and information
 25 that would not ordinarily be disclosed to the public and that disclosure or misuse of such
 26 materials would cause competitive harm, raise privacy concerns, and violate confidentiality
 27 provisions set forth in various, current contracts binding on the parties. Accordingly, the
 28 parties have agreed to the entry of this Confidentiality Stipulation and Protective Order

1 (“Agreed Order”) to expedite the flow of discovery materials, preserve the integrity of
 2 information that one or more parties believe is confidential, promote the prompt resolution
 3 of discovery disputes over confidentiality, facilitate the preservation of materials that may
 4 contain confidential information and trade secrets, and prevent breach of the confidential
 5 provisions set forth in contracts. For purposes of this Agreed Order, “Confidential
 6 Information” shall mean documents or other materials that one or more parties believe to
 7 include proprietary information relating to their business, disclosure of which might be
 8 harmful. Documents or information designated by one or more parties as “Confidential
 9 Information” pursuant to this Agreed Order governing discovery shall be without prejudice
 10 to any party’s claim, defense or contention, whether relating to discovery issues in this
 11 lawsuit or to substantive issues in this or any other lawsuit, that such documents or
 12 information do not in fact constitute trade secrets or confidential information.

13 Notwithstanding the foregoing, the term "Confidential Information" does not include
 14 information which (a) is in or becomes a part of the public domain without violation of this
 15 Agreed Order by any party to this litigation or their counsel; (b) is customarily provided by
 16 any party to this litigation to third parties without restriction on disclosure; (c) was known to
 17 a party to this litigation on a non-confidential basis prior to its disclosure to such party or
 18 their counsel in this litigation; or (d) is not otherwise subject to a restriction on disclosure
 19 and is rightfully obtained by any party or their counsel from a source other than a party in
 20 this litigation.

21 Accordingly, in the interests of justice and to expedite discovery, the parties hereby
 22 **STIPULATE AND AGREE** that:

23 1. **Confidential Information:** To protect trade secrets or other confidential
 24 research, development, or commercial information, or other private documents or
 25 information, any party or third party may designate documents, information, or testimony
 26 as Confidential Information under this Order as follows:

27 The designation shall be made by clearly stamping or marking any document,
 28 including any interrogatory answer or transcript, with the word “CONFIDENTIAL.”

1 Transcripts (or portions thereof) may be designated "CONFIDENTIAL" or "ATTORNEYS'
 2 EYES ONLY" (described in paragraphs 3 and 4 below) by instructing the reporter to stamp
 3 or mark the transcript (or portions thereof) within ten (10) days after it is received, and shall
 4 be treated as Attorneys' Eyes Only Information until the ten (10) day designation period has
 5 passed.

6 In the case of electronically-stored information, a party producing Confidential
 7 Information in an electronically-stored format shall stamp the physical medium by which
 8 the information is transmitted (e.g. computer tape, computer disk, CD Rom, etc.) as
 9 "CONFIDENTIAL." If the party to whom such electronically-stored information is produced
 10 shall create any readable report or output from such confidential data, that party shall
 11 prominently label each page of such output report as "CONFIDENTIAL."

12 A party, provider of documents or non-party witness may denominate any response
 13 to any written discovery request brief, motion or other material filed with the court, and any
 14 appendix, exhibit or document pertaining to such material as Confidential Information by
 15 stamping the cover or first page, "CONFIDENTIAL."

16 Documents produced, or to be produced, by a third-party, including but not limited
 17 to personal financial bank records, tax records, or other private documents or information,
 18 may be designated as confidential prior to their release through subpoena via a written
 19 notice to all parties.

20 2. **Limited Disclosure and Use of Confidential Information:** A person who
 21 received Confidential Information has a duty to preserve confidentiality, shall not make any
 22 further disclosure of it except as authorized below or by further order, and shall use it only
 23 for purposes of this case or any arbitration or mediation related to this case. A receiving
 24 person may make disclosure to the following persons:

- 25 A. Attorneys of record for the parties of this litigation;
- 26 B. Designated business persons from each of the corporate parties
- 27 ("Corporate Designees") but only to the extent necessary for the conduct of this action;
- 28 provided, however, that no Confidential Information shall be revealed to such persons until

the conditions detailed in Paragraph 1 have been met;

C. Deposition reporters;

D. Independent experts, investigators, and other consultants retained by counsel; provided, however, that no Confidential Information shall be revealed to such persons until the conditions detailed in Paragraph 1 have been met; provided further, however, that the retained person is not employed during the pendency of the litigation, and has not been employed during the past two (2) years, by a person or entity that competes with the producing party;

E. Associates, secretaries, paralegals, clerical and other employees of the individuals identified in subparagraphs (a), (b), (c) and (d) above, to the extent reasonably necessary to render professional services in the litigation;

F. A deponent during the course of his or her deposition;

G. Any person who is referenced in Confidential Information; provided, however, that no Confidential Information shall be revealed to such persons until the conditions detailed in Paragraph 1 have been met;

H. Witnesses or prospective witnesses in the course of investigation or in preparation for deposition, or at deposition; provided, however, that no Confidential Information shall be revealed to such persons until the conditions detailed in Paragraph 1 have been met; and

I. The Court, any arbitrator, mediator or adjudicator and their personnel.

3. **Attorneys' Eyes Only Information:** A producing party may designate Confidential Information as "Attorneys' Eyes Only" if the party makes a good faith determination that the information threatens significant competitive harm if revealed to an opposing party or other competitor. The designation shall be made in a manner similar to that provided in paragraph 1, using the words "ATTORNEYS' EYES ONLY."

4. **Further Limitations on Disclosure and Use of Attorneys Eyes Only:** Attorneys' Eyes Only Information shall be treated in all respects as "Confidential Information" under this Protective Order. In addition to the protections already contained herein, Attorneys'

1 Eyes Only Information shall be subject to the following additional restrictions:

2 Attorneys' Eyes Only information shall only be disclosed to those persons listed in
3 paragraph 2(a), (c), (d) - (f) and (i) hereof;

4 Authorized counsel may not communicate or transmit any Attorneys' Eyes Only
5 Information, or the contents of those materials, to any employee, director, agent and/or
6 representative of the parties in this action, including in-house counsel of any corporate
7 party; and

8 If Attorneys' Eyes Only Information is used during a deposition, the party introducing
9 the Attorneys' Eyes Only Information topic shall announce that such a topic or document
10 will be the subject of questions. All persons not allowed to view or receive such information
11 shall leave the deposition at that time. The transcript of any questioning regarding
12 Attorneys' Eyes Only Information topics shall be kept separately from the main transcript
13 of the deposition and shall be stamped or marked "ATTORNEYS' EYES ONLY
14 INFORMATION."

15 Any breach of this provision shall entitle the party whose Attorneys' Eyes Only
16 Information was disclosed to seek immediate equitable relief in this Court, in addition to
17 such other sanctions and remedies as may be appropriate.

18 The protection afforded by this paragraph to Attorneys' Eyes Only Information shall
19 be preserved at all pre-trial hearings of this matter, and until further modified by the Court.
20 Submission to Court: No Confidential Information, whether embodied in physical objects,
21 documents, electronically-stored data, tangible items or the transcription of statements of
22 persons, shall be filed with the Court, unless the producing party consents in writing to such
23 filing, or unless filed in a sealed envelope on which shall be endorsed the caption of the
24 action and a statement substantially in the following form:

25 **CONFIDENTIAL**

26 This envelope contains documents or information in this case that is subject
27 to a Confidentiality Order entered by the Court. This envelope shall not be
28 opened nor the contents thereof displayed or revealed except by Order of
Court. Violation thereof may be regarded as contempt of court.

1 A party discharges its obligations under this paragraph by filing a pleading, motion,
2 brief or other papers in two parts and placing the part which contains Confidential
3 Information under seal (will do so by Motion under SRCR 3(1)). Any courtesy copy
4 delivered to the Court shall be marked: "Courtesy Copy - Original Under Seal." Similar
5 procedures shall be followed with regard to Attorneys Eyes Only Information.

6 If any party believes that a designation as Confidential and/or Attorneys' Eyes Only
7 Information as to any document, material or information by any other party or by any witness
8 is unwarranted, it may so inform the designating party or witness in writing. Upon receipt by
9 the designating party of such written objection, the parties shall negotiate in good faith to
10 resolve their differences. If, within ten (10) days after such written objection to a designation
11 the parties have failed to reach an agreement, the party objecting to the designation may
12 apply to the Court for a ruling that the designation as to any document, material or
13 information shall not be treated as designated, giving notice to the party or non-party
14 producing the documents. No disclosure of any documents, material or information
15 designated as Confidential and/or Attorneys' Eyes Only Information shall be made, except
16 in accordance herewith, by the recipient prior to decision by the Court on any such motion.
17 In any proceeding challenging the propriety of the designation of any document, information
18 or materials as Confidential and/or Attorneys' Eyes Only Information, the party, provider
19 of documents or witness who has designated the document, material or information as
20 Confidential and/or Attorneys' Eyes Only Information shall bear the burden of
21 establishing the propriety of that designation. Until the Court enters an Order changing
22 the designation for any document, material or information, it shall be given "Confidential"
23 or "Attorneys' Eyes Only" (however designated) treatment in accordance with this
24 Order.
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28 Unless otherwise ordered or agreed, neither the termination of this lawsuit nor the

1 termination of employment of any person who has had access to any Confidential and/or
2 Attorneys' Eyes Only Information shall relieve such person from the terms of this Order.

3 This Order shall not be deemed a waiver of:

4 A. Any party's right to object to any discovery requests on any ground or
5 to seek a protective order with respect to any such discovery request;

6 B. Any party's right to seek an order compelling discovery with respect to
7 any discovery request;

8 C. Any party's right to object to the admission of any evidence on any
9 ground;

10 D. Any party's right to seek a modification of this Order upon reasonable
11 notice to all other parties; or

12 E. Any party's right to challenge the propriety of the designation of any
13 material as Confidential and/or Attorneys' Eyes Only Information at any time. Failure of
14 any party to promptly challenge the propriety of such a designation shall not preclude that
15 party's subsequent objection to such designation, a motion by that party to seek a
16 determination as to the propriety of such designation or a motion by that party to otherwise
17 modify the provisions this Order. The designation by a party that material is Confidential
18 and/or Attorneys' Eyes Only shall not constitute an admission by any other party that the
19 material is confidential.

20 5. **All Confidential and/or Attorneys' Eyes Only Information shall be returned as**
21 **follows:**

22 Within thirty (30) days after the final determination of this Action, or sooner if agreed
23 to in writing by the parties, all Confidential and Attorneys' Eyes Only Information, including
24 originals, and subject to subparagraph (c) hereof, copies, abstracts or summaries thereof,
25 shall be returned to the attorney for the party producing and providing the material or
26 destroyed by the party receiving such material, and no copies thereof shall be retained by
27 any other person; provided, however, that counsel of record for the parties may keep, in
28 strictest confidence, one copy of any part of the Confidential and Attorneys' Eyes Only

1 Information produced by others that has become part of the official record of this litigation.
2 Such copy shall remain subject to the terms of this Order.

3 If Confidential and/or Attorneys' Eyes Only Information is furnished to a testifying or
4 consulting expert, investigator, other consultant, or witness, the attorney for the party using
5 such expert, investigator, other consultant, or witness shall have the responsibility of
6 ensuring that all such material, including copies, abstracts and summaries thereof, is
7 returned to the party producing the same or destroyed.

8 Counsel of record for each party may retain abstracts or summaries of materials,
9 which contain counsel's mental impressions or opinions. Such abstracts or summaries,
10 which contain or refer to Confidential and/or Attorneys' Eyes Only Information, shall,
11 however, remain subject to the terms of this Order.

12 The parties will cooperate to establish a procedure for the use of information that
13 has been designated Confidential or Attorneys' Eyes Only at trial or during any court
14 hearing. At a minimum, that procedure should mandate that the courtroom is sealed, or
15 that all information which has been designated Confidential or Attorneys' Eyes Only is
16 submitted under seal (will do so by Motion under SRCR 3(1)), and that only the persons
17 set forth in paragraph 2 can be present in the courtroom when any information that has
18 been designated Confidential, or set forth in paragraph 4 can be present in the courtroom
19 when any information that has been designated Attorneys' Eyes Only, is referenced.

20 If a party to this Stipulation and Order misuses or improperly discloses Confidential
21 and/or Attorneys' Eyes Only Information in violation of this Order, the designating party
22 may seek appropriate sanctions. The party who claims that a violation of this Order has
23 occurred shall have the burden of proof on that issue.

24 Each party will endeavor to make reasonable efforts to ensure that materials and
25 documents that should bear the Confidential or Attorneys' Eyes Only legend are so labeled
26 in fact. A failure to so designate any document or material shall not be deemed a waiver
27 of the confidentiality protection. In the event a party belatedly determines that any
28 document or material should be designated as confidential under this Stipulation and

Order, such party will so, notify the other party and the other party agrees to accept that notification and arrange to comply with the remaining provisions of this Stipulation and Order to such late designated documents and materials.

Any party, persons, and entities obtaining access to Confidential and/or Attorneys' Eyes Only Information under this Confidentiality Stipulation and Protective Order, shall use the information only for preparation and trial of the above-captioned litigation (including appeals and retrials thereof), and shall absolutely not use such information for any other purpose whatsoever, including business, governmental, commercial, or administrative or judicial proceedings.

Each party agrees to be bound by the terms of this Confidentiality Stipulation and Protective Order as of the date it is executed, prior to the entry of the Order by the Court. This Confidentiality Stipulation and Protective Order may be executed in any number of counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one instrument.

DATED this 17th day of October, 2024.

DATED this 17th day of October, 2024.

LADAH LAW FIRM

LEWIS BRISBOIS BISGAARD & SMITH LLP

/S/ CARL HOUSTON

/S/ YILMAZ E. TURKERI

Ramzy Paul Ladah, Esq.
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Carl Houston, Esq.
Nevada Bar No. 011161
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Las Vegas, NV 89101
Tel: 702-252-0055
Fax: 702-248-0055
Attorneys for Plaintiff
MARIA CARMEN RODRIGUEZ

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Nevada Bar No. 009502
YILMAZ E. TURKERI, ESQ.
Nevada Bar No. 015468
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Tel. 702.893.3383
Attorneys for Defendant
RAISING CANE'S RESTAURANTS, L.L.C.
D/B/A RAISING CANE'S

ORDER

Based upon the foregoing stipulation of the parties, and good cause appearing,
IT IS HEREBY ORDERED that the parties have entered a Confidentiality Stipulation
and Protective Order governing production of records set forth herein.

IT IS FURTHER ORDERED that the parties shall be bound by this agreement, with
terms set forth herein in producing discovery documents, electronic data and files.

DATED this ____ day of _____, 2024.

Dated this 17th day of October, 2024



DISTRICT COURT JUDGE

5F6 CB5 9658 1746
Anna Albertson
District Court Judge

Submitted By:

LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ Yilmaz E. Turkeri

DAVID B. AVAKIAN, ESQ.
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Las Vegas, Nevada 89118
Attorneys for Defendant
RAISING CANE'S RESTAURANTS, L.L.C.
D/B/A RAISING CANE'S

Kurilla, Peggy

From: Carl R. Houston <Carl@ladahlaw.com>
Sent: Thursday, October 17, 2024 2:13 PM
To: Turkeri, Yilmaz; Tressy Kip
Cc: Avakian, David; Butler, Maceo; Kurilla, Peggy
Subject: RE: Rodriguez v. Raising Cane's - Discovery

EXTERNAL

Yilmaz,

You may attach my e-signature to the Confidentiality Stipulation and Protective Order.

Amenable to extension to 11/7/24.

Regards,

Carl R. Houston, Esq. " Attorney at Law



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From: Turkeri, Yilmaz <Yilmaz.Turkeri@lewisbrisbois.com>
Sent: Thursday, October 17, 2024 8:59 AM
To: Carl R. Houston <Carl@ladahlaw.com>; Tressy Kip <Tressy@ladahlaw.com>
Cc: Avakian, David <David.Avakian@lewisbrisbois.com>; Butler, Maceo <Maceo.Butler@lewisbrisbois.com>; Kurilla, Peggy <Peggy.Kurilla@lewisbrisbois.com>
Subject: Rodriguez v. Raising Cane's - Discovery

Good morning,

We are in the process of preparing responses to Plaintiff's written discovery. Due to the confidential and proprietary nature of some of the requests, we are requesting that a Confidentiality Stipulation and Protective Order be put into place.

I have attached a proposed version. Please advise if we have permission to use your e-signature and submit to the Court.

Additionally, Defendant's responses to interrogatories and requests for production of documents is currently due on October 24, 2024. Please advise if you will grant us a two-week extension. The new deadline would be November 7, 2024.

Thank you.

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Maria Rodriguez, Plaintiff(s)

CASE NO: A-23-878441-C

7 vs.

DEPT. NO. Department 11

8 Raising Cane's Restaurants LLC,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Stipulation and Order was served via the court's electronic eFile system
to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/17/2024

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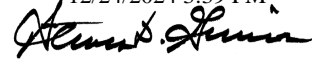
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22 Yilmaz Turkeri

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RAMZY PAUL LADAH, ESQ.

Nevada Bar No. 11405

CARL R. HOUSTON, ESQ.

Nevada Bar No. 11161

LADAH LAW FIRM

517 S. Third Street

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litigation@ladahlaw.com

T: 702.252.0055

*Attorneys for Plaintiff***DISTRICT COURT****CLARK COUNTY, NEVADA**MARIA CARMEN RODRIGUEZ, an
individual,

Plaintiff,

vs.

RAISING CANE'S RESTAURANTS, L.L.C.
d/b/a RAISING CANE'S; DOES I through
XXX, inclusive and ROE BUSINESS
ENTITIES I through XXX, inclusive,

Defendants.

Case No.: A-23-878441-C

Dept. No.: XI

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINE****(First Request)**

IT IS HEREBY STIPULATED, by and between Plaintiff by and through her undersigned counsel of record and Defendant by and through their undersigned counsels of record, that the discovery be continued in order for the parties to complete the remaining necessary discovery.

Pursuant to EDCR 2.35, the parties hereby submit the following in support of this Stipulation and Order to Extend Discovery Deadlines.

I. DISCOVERY COMPLETED TO DATE

1. The parties conducted the Early Case Conference.
2. The parties have exchanged their initial disclosures of documents and witnesses pursuant to Rule 16.1(a)(1) of the Nevada Rules of Civil Procedure, and supplements thereto.
3. The parties have requested and obtained Plaintiff's medical and billing records



allegedly related to the subject incident.

4. The deposition of Plaintiff has been conducted.

5. Defendant's independent medical exam of Plaintiff has been conducted.

6. The Parties have served and responded to discovery requests.

II. DISCOVERY THAT REMAINS TO BE COMPLETED

The parties agree that additional discovery is necessary to prepare for trial, including, but not limited to:

1. Disclosure of Experts/Rebuttal Experts.

2. Obtain additional medical and billing records of Plaintiff, as necessary.

3. The depositions of Defendants' 30(b)(6) designees.

4. Propound additional written discovery, as necessary

5. Take the deposition of the parties' experts/rebuttal experts, as necessary.

6. Take the depositions of Plaintiff's treating doctors, as necessary.

7. Take the depositions of witnesses, as necessary.

8. Disclose additional medical records, as necessary.

III. REASONS WARRANTING EXTENSION OF DISCOVERY DEADLINES

The parties stipulate to the extension of the discovery deadlines in this case. Good cause is shown to extend the discovery deadlines as the deadlines cannot be reasonably met despite the diligence of the parties that seek the extension. See *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608–09 (9th Cir. 1992). The parties request an extension of the discovery deadlines in order to conduct further discovery as to allow the parties additional time to obtain necessary facts and documents in order to retain appropriate experts and have their experts review these materials with sufficient time to prepare an expert report prior to the deadline. The current initial expert disclosure deadline is December 31, 2024.



1 Additionally, Plaintiff is the process of filing a motion for leave to amend the complaint to
2 include a new Defendant.

3 Therefore, the Parties are requesting an additional 60 days to complete discovery/disclose
4 expert/rebuttal expert witnesses.

5 The original trial date in this matter is scheduled for September 8, 2025 and the discovery
6 continuance will not affect the trial date.
7

8 **IV. DISCOVERY DEADLINES**

9 **A. Current Discovery Deadlines:**

- | | |
|--|----------|
| 10 • Discovery Cutoff: | 3/31/25 |
| 11 • Last day to amend pleadings or add parties: | 12/31/24 |
| 12 • Last day to disclose initial experts: | 12/31/24 |
| 13 • Last day to disclose rebuttal expert witnesses: | 1/30/25 |
| 14 • Last day to file dispositive motions: | 4/30/25 |

15 **B. Proposed Extended Discovery Deadlines:**

- | | |
|--|---------|
| 16 • Discovery Cutoff: | 5/30/25 |
| 17 • Last day to amend pleadings or add parties: | 3/3/25 |
| 18 • Last day to disclose initial experts: | 3/3/25 |
| 19 • Last day to disclose rebuttal expert witnesses: | 4/2/25 |
| 20 • Last day to file dispositive motions: | 6/30/25 |

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V. THE CURRENT TRIAL DATE

Trial is currently scheduled for September 8, 2025, the discovery extension will not affect the trial date.

DATED this 24th day of December 2024.

DATED this 24th day of December 2024.

LADAH LAW FIRM

**LEWIS BRISBOIS BISGAARD & SMITH
LLP**

/s/ Carl R. Houston

/s/ Yilmaz E. Turkeri

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Nevada Bar No. 15468

Attorneys for Plaintiff

6385 S. Rainbow Boulevard, Suite 600

Las Vegas, Nevada 89118

Attorneys for Defendant,

Raising Cane's Restaurants, L.L.C.

d/b/a Raising Cane's

ORDER

IT IS HEREBY ORDERED that, pursuant to the above stipulation and good cause appearing, the discovery deadlines shall be extended as follows:

- | | |
|---|---------|
| • Discovery Cutoff: | 5/30/25 |
| • Last day to amend pleadings or add parties: | 3/3/25 |
| • Last day to disclose initial experts: | 3/3/25 |
| • Last day to disclose rebuttal expert witnesses: | 4/2/25 |
| • Last day to file dispositive motions: | 6/30/25 |

Trial is currently scheduled for September 8, 2025, the discovery extension will not affect the trial date.

Dated this 24th day of December, 2024



**80E B42 D91D F840
Anna Albertson
District Court Judge**



Tressy Kip

From: Turkeri, Yilmaz <Yilmaz.Turkeri@lewisbrisbois.com>
Sent: Tuesday, December 24, 2024 11:26 AM
To: Tressy Kip
Cc: Avakian, David; Kurilla, Peggy; Carl R. Houston; Butler, Maceo
Subject: RE: Rodriguez vs. Raising Cane's Restaurants - SAO to Continue Discovery

Hi Tressy,

The date for the current deadline for initial expert disclosures (on Page 3) needs to be updated to 12/31/24.

With that change, you can affix my e-signature.

Yilmaz E. Turkeri
Attorney
Yilmaz.Turkeri@lewisbrisbois.com

T: 702.693.4311 F: 702.366.9563

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From: Tressy Kip <Tressy@ladahlaw.com>
Sent: Tuesday, December 24, 2024 11:17 AM
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Cc: Avakian, David <David.Avakian@lewisbrisbois.com>; Kurilla, Peggy <Peggy.Kurilla@lewisbrisbois.com>; Carl R. Houston <Carl@ladahlaw.com>; Butler, Maceo <Maceo.Butler@lewisbrisbois.com>
Subject: RE: Rodriguez vs. Raising Cane's Restaurants - SAO to Continue Discovery

EXTERNAL

We made changes to the SAO to continue discovery. See attached.

Please let us know if we have permission to use your electronic signature.

Thanks.

Tressy A Kip ■ Litigation Paralegal



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CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Maria Rodriguez, Plaintiff(s)

CASE NO: A-23-878441-C

vs.

DEPT. NO. Department 11

Raising Cane's Restaurants LLC,
Defendant(s)

AUTOMATED CERTIFICATE OF SERVICE

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Tressy Kip

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Peggy Kurilla

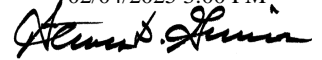
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Yilmaz Turkeri

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Georgina Ramos

georgina.ramos@lewisbrisbois.com



CLERK OF THE COURT

ORDR
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 Nevada Bar No. 11405
CARL R. HOUSTON, ESQ.
 Nevada Bar No. 11161
LADAH LAW FIRM
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 F: 702.248.0055
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

MARIA CARMEN RODRIGUEZ, an
 individual,

 Plaintiff,

 vs.

Case No.: A-23-878441-C
 Dept. No.: XI

ORDER

RAISING CANE'S RESTAURANTS, L.L.C.
 d/b/a RAISING CANE'S; DOES I through
 XXX, inclusive and ROE BUSINESS
 ENTITIES I through XXX, inclusive,

 Defendants.

Plaintiff's Motion For Leave to Amend Complaint to Add Vestis Services, LLC, d/b/a Aramark as a Defendant came on for hearing before this Honorable Court on February 3, 2025, in Chambers.

The Court having reviewed the moving papers of the Parties, being fully advised in the premises, and good cause appearing that pursuant to EDCR 2.20(e), the motion is deemed meritorious and therefore:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion For Leave to Amend Complaint to Add Vestis Services, LLC, d/b/a Aramark as a Defendant is GRANTED.

///

///



1 IT IS FURTHERED ORDERED, ADJUDGED, AND DECREED that the Amended
2 Complaint be filed on or before February 28, 2025.

3
4
5 Dated this 4th day of February, 2025

6
7 

8
9 971 A9B D5DC 1240
10 Anna Albertson
11 District Court Judge

12 Submitted by:

13 Dated this 4th day of February 2025.

14 **LADAH LAW FIRM**

15 */s/ Carl R. Houston*

16 **RAMZY P. LADAH, ESQ.**

17 Nevada Bar No. 11405

18 **CARL R. HOUSTON, ESQ.**

19 Nevada Bar No. 11161

20 517 S. Third Street

21 Las Vegas, NV 89101

22 *Attorney for Plaintiff*

LADAH LAW
FIRM



1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Maria Rodriguez, Plaintiff(s)

CASE NO: A-23-878441-C

7 vs.

DEPT. NO. Department 11

8 Raising Cane's Restaurants LLC,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 2/4/2025

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23 Georgina Ramos

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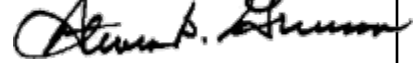
24

25

26

27

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ACOMP
RAMZY PAUL LADAH, ESQ.

Nevada Bar No. 11405

CARL R. HOUSTON, ESQ.

Nevada Bar No. 11161

LADAH LAW FIRM

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T: 702.252.0055

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Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

MARIA CARMEN RODRIGUEZ, an
individual,

Plaintiff,

vs.

RAISING CANE'S RESTAURANTS, L.L.C.
dba RAISING CANE'S; VESTIS SERVICES,
LLC, d/b/a ARAMARK; DOES I through
XXX, inclusive and ROE BUSINESS
ENTITIES I through XXX, inclusive,

Defendants.

Case No.: A-23-878441-C

Dept. No.: XI

FIRST AMENDED COMPLAINT

COMES NOW Plaintiff, MARIA CARMEN RODRIGUEZ, by and through her counsel of record, RAMZY PAUL LADAH, ESQ., with the LADAH LAW FIRM, and for her claims of relief against the Defendants, and each of them, alleges, amends, and complains as follows:

JURISDICTION

1. At all times relevant hereto, Plaintiff was and still is a resident of the State of Nevada.

2. Upon information and belief, Defendant, RAISING CANE'S RESTAURANTS, L.L.C. dba RAISING CANE'S ("CANES"), was and still is a domestic Limited Liability Company licensed to do business in the State of Nevada.





1 3. Upon information and belief, Defendant, VESTIS SERVICES, LLC, d/b/a
2 ARAMARK (“VESTIS”), was and still is a Foreign-Limited Liability Company licensed to do
3 business in the State of Nevada.

4 4. That at all times relevant herein, Defendants designated as DOES I through XXX
5 and ROE BUSINESS ENTITIES I through XXX, in their true capacities, whether individual,
6 corporate, associate or otherwise of the Defendants named herein are unknown to Plaintiff who,
7 therefore, sues said Defendants by said fictitious names; Plaintiff is informed, believes and thereon
8 alleges that each of the Defendants designated as a DOES I through XXX and ROE BUSINESS
9 ENTITIES I through XXX are responsible in some manner for the events and happenings referred
10 to herein, and caused damages proximately to Plaintiff as herein alleged, and Plaintiff will ask leave
11 of this court to amend this Complaint to insert the true names and capacities of DOES I through
12 XXX and ROE BUSINESS ENTITIES I through XXX, when the same have been ascertained and
13 to join such Defendants in this action.

14 **GENERAL ALLEGATIONS**

15 5. Plaintiff repeats and realleges each and every fact and allegation contained in this
16 Complaint and incorporates the same herein by reference as though fully set forth herein verbatim.

17 6. At all times relevant hereto, particularly on October 4, 2021, Defendants, and each of
18 them, either owned, managed, controlled, maintained, or was in some other way responsible for
19 safety of the public walkways within the premises located at 4655 West Charleston Blvd. in Clark
20 County, Nevada (“subject premises”).

21 7. At all times relevant hereto, Defendants were the suppliers, agents, servants, and
22 employees of each and every other Defendant and acted within the course and scope of said
23 employment and agency.

24 8. At all times relevant hereto, Defendants were the owners, operators, managers,
25 controllers, inspectors, supervisors and controllers of the subject premises and of the common areas
26 of the subject premises.

27 9. At all times relevant hereto, Plaintiff was an invitee, patron, and/or guest of
28 Defendant Cane’s property (“subject premises”) upon which she was legally situated.



1 10. At all times relevant hereto, Plaintiff, who was an invitee on the subject premises,
2 walked upon the public walkways on the subject premises when she slipped and fell due to a
3 hazardous condition caused by Defendants' collective negligence. Plaintiff suffered serious and
4 substantial injuries that required immediate and subsequent medical attention. Plaintiff's injuries
5 are a direct and proximate result of Defendants' negligence, including negligent construction,
6 maintenance, inspection and/or repair of the subject premises, which included, but was not limited
7 to, improper maintenance of the walkway area.

8 11. At all times relevant hereto, Defendants and their employee(s) failed to, *inter alia*,
9 warn or otherwise prevent Plaintiff from encountering a dangerous and/or hazardous condition that
10 existed on the subject premises.

11 **FIRST CAUSE OF ACTION**
12 **(Negligence)**

13 12. Plaintiff repeats and realleges each and every fact and allegation contained in this
14 Complaint and incorporates the same herein by reference as though fully set forth herein verbatim.

15 13. At all times relevant hereto, the Defendants, and each of them, were in control of the
16 subject premises and had a duty to properly and safely maintain and inspect the subject premises for
17 the care, safety and protection of those persons present on the subject premises, including Plaintiff.

18 14. At all times relevant hereto, Defendants, and each of them, negligently and
19 recklessly maintained and inspected the subject premises so that it was permitted to remain in an
20 unreasonably dangerous condition, presenting a danger to unsuspecting patrons, including Plaintiff.

21 15. At all times relevant hereto, Defendants, and each of them, and/or their agents,
22 employees and servants had notice, actual or constructive, of the dangerous condition, and therefore
23 had full knowledge of, or should have had full knowledge of, the dangerous condition and failed to
24 remedy the dangerous condition or otherwise take action to make it safe or notify patrons of the
25 dangerous condition.

26 16. At all times relevant hereto, Defendants, and each of them, and/or their agents,
27 employees and servants, breached the duty of care owed to Plaintiff by negligently maintaining and
28



1 inspecting the subject premises and further failing to warn Plaintiff of the unreasonably dangerous
2 condition.

3 17. As a result of Defendants' aforesaid negligent actions and/or failures to act, Plaintiff
4 was injured in her health, strength and activity, sustaining shock and injury to her body and person,
5 all of which have caused, and will continue to cause, the Plaintiff physical, mental, and nervous
6 pain and suffering.

7 18. As a result of Defendants' aforesaid negligent actions and/or failures to act, Plaintiff
8 has incurred expenses for medical care and treatment, expenses incidental thereto, loss wages and
9 loss of earning capacity, all to Plaintiff's damage, the present amount of which is unknown but is
10 currently in excess of \$15,000.00; such expenses and losses will continue in the future, all to
11 Plaintiff's damage in a presently unascertainable amount. In this regard, Plaintiff prays for leave of
12 Court to insert all said damages herein when the same have been fully ascertained.

13 19. As a result of Defendants' aforesaid negligent actions, it has been necessary for
14 Plaintiff to retain LADAH LAW FIRM to prosecute this action, and Plaintiff is entitled to recover
15 reasonable attorneys' fees and costs.

16 **SECOND CAUSE OF ACTION**
17 **(Negligent Hiring, Training, Supervision and Policies/Procedures)**

18 20. Plaintiff repeats and realleges each and every fact and allegation contained in this
19 Complaint and incorporates the same herein by reference as though fully set forth herein verbatim.

20 21. Defendants, and each of them, acted negligently, among other reasons in failing to
21 do the following:

- 22 i. Establish and implement proper policies and procedures for employees, staff and
23 agents working for Defendants;
- 24 ii. Establish and implement property policies and procedures for proper maintenance,
25 repair, inspection and/or upkeep of the subject premises;
- 26 iii. Establish and implement property policies and procedures for warning patrons, or
27 otherwise warning such patrons, of potentially dangerous conditions;
- 28 iv. Properly, responsibly and prudently hire employees;



- 1 v. Properly, responsibly and prudently investigate employees before hiring them;
- 2 vi. Properly, responsibly and prudently supervise and/or manage employees once they
- 3 were hired;
- 4 vii. Properly, responsibly and prudently train employees or instruct them as to their
- 5 duties;
- 6 viii. Properly, responsibly and prudently monitor and regulate the conduct of employees;
- 7 ix. Properly, responsibly and prudently delegate maintenance responsibilities to
- 8 employees, agents, DOE Defendants or ROE BUSINESS ENTITIES;
- 9 x. Properly, responsibly and prudently set up mechanisms to ensure that all areas are
- 10 reasonably kept in proper and safe conditions.

11 22. As a result of Defendants' aforesaid negligent actions and/or failures to act, Plaintiff
12 was injured in her health, strength and activity, sustaining shock and injury to her body and person,
13 all of which have caused, and will continue to cause, the Plaintiff physical, mental, and nervous
14 pain and suffering.

15 23. As a result of Defendant's aforesaid negligent actions and/or failures to act, Plaintiff
16 has incurred expenses for medical care and treatment, expenses incidental thereto, lost wages and
17 loss of earning capacity, all to Plaintiff's damage, the present amount of which is unknown but is
18 currently in excess of \$15,000.00; such expenses and losses will continue in the future, all to
19 Plaintiff's damage in a presently unascertainable amount. In this regard, Plaintiff prays for leave of
20 Court to insert all said damages herein when the same have been fully ascertained.

21 24. As a result of Defendants' aforesaid negligent actions, it has been necessary for
22 Plaintiff to retain LADAH LAW FIRM to prosecute this action, and Plaintiff is entitled to recover
23 reasonable attorneys' fees and costs.

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WHEREFORE, Plaintiff prays for judgment against the Defendants as follows:

1. For general damages and loss in an amount in excess of fifteen thousand dollars (\$15,000.00);
2. For special damages in an amount to be determined at time of trial;
3. For economic damages in an amount to be determined at time of trial;
4. For prejudgment interest, reasonable attorney's fees and costs; and
5. For such other and further relief as the Court may deem just and proper.

DATED this 3rd day of January 2025.

LADAH LAW FIRM

/s/ Carl R. Houston

RAMZY PAUL LADAH, ESQ.

Nevada Bar No. 11405

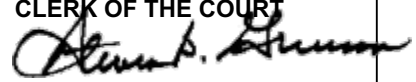
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Attorneys for Plaintiff



1 **ANS**

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9 Attorneys for Defendant RAISING CANE'S
10 RESTAURANTS, L.L.C. D/B/A RAISING
CANE'S

11 DISTRICT COURT

12 CLARK COUNTY, NEVADA

14 MARIA CARMEN RODRIGUEZ, an
15 individual,

16 Plaintiff,

17 vs.

18 RAISING CANE'S RESTAURANTS,
L.L.C. D/B/A RAISING CANE'S; VESTIS
19 SERVICES, LLC, d/b/a ARAMARK; DOES
20 I through XXX, inclusive and ROE
BUSINESS ENTITIES I through XXX,
21 inclusive,

22 Defendants.

Case No. A-23-878441-C

Dept. No.: 11

**DEFENDANT RAISING CANE'S
RESTAURANTS, L.L.C. D/B/A RAISING
CANE'S ANSWER TO PLAINTIFF'S
FIRST AMENDED COMPLAINT**

23 COMES NOW, Defendant RAISING CANE'S RESTAURANTS, L.L.C. D/B/A
24 RAISING CANE'S (hereinafter, "Defendant"), by and through its counsel of record, Josh
25 Cole Aicklen, Esq., David B. Avakian, Esq., and Yilmaz E. Turkeri, Esq. of the law firm
26 LEWIS BRISBOIS BISGAARD & SMITH LLP, and for its answers to Plaintiff's First
27 Amended Complaint on file herein, allege as follows:
28

JURISDICTION

1
2 1. Answering Paragraph 1 of Plaintiff's First Amended Complaint, Defendant is
3 without knowledge or information sufficient to form a belief as to the truth or falsity of the
4 allegations contained therein and, on that basis, denies them.

5 2. Answering Paragraph 2 of Plaintiff's First Amended Complaint, Defendant
6 states that it is a Louisiana limited liability company and admits the remaining allegations
7 contained within the paragraph.

8 3. Answering Paragraph 3 of Plaintiff's First Amended Complaint, Defendant is
9 without knowledge or information sufficient to form a belief as to the truth or falsity of the
10 allegations contained therein and, on that basis, denies them.

11 4. Answering Paragraph 4 of Plaintiff's First Amended Complaint, Defendant is
12 without knowledge or information sufficient to form a belief as to the truth or falsity of the
13 allegations contained therein and, on that basis, denies them.

GENERAL ALLEGATIONS

14
15 5. Answering Paragraph 5 of Plaintiff's First Amended Complaint, Defendant
16 repeats and realleges its answers to Paragraphs 1 through 4 and incorporates the same
17 as though fully set forth herein.

18 6. Answering Paragraph 6 of Plaintiff's First Amended Complaint, Defendant is
19 without knowledge or information sufficient to form a belief as to the truth or falsity of the
20 allegations contained therein and, on that basis, denies them.

21 7. Answering Paragraph 7 of Plaintiff's First Amended Complaint, Defendant is
22 without knowledge or information sufficient to form a belief as to the truth or falsity of the
23 allegations contained therein and, on that basis, denies them.

24 8. Answering Paragraph 8 of Plaintiff's First Amended Complaint, Defendant is
25 without knowledge or information sufficient to form a belief as to the truth or falsity of the
26 allegations contained therein and, on that basis, denies them.

27 9. Answering Paragraph 9 of Plaintiff's First Amended Complaint, Defendant is
28 without knowledge or information sufficient to form a belief as to the truth or falsity of the

1 allegations contained therein and, on that basis, denies them.

2 10. Answering Paragraph 10 of Plaintiff's First Amended Complaint, Defendant
3 is without knowledge or information sufficient to form a belief as to the truth or falsity of the
4 allegations contained therein and, on that basis, denies them.

5 11. Answering Paragraph 11 of Plaintiff's First Amended Complaint, Defendant
6 is without knowledge or information sufficient to form a belief as to the truth or falsity of the
7 allegations contained therein and, on that basis, denies them.

8 **FIRST CAUSE OF ACTION**

9 **(Negligence)**

10 12. Answering Paragraph 12 of Plaintiff's First Amended Complaint, Defendant
11 repeats and realleges its answers to Paragraphs 1 through 11 and incorporates the same
12 as though fully set forth herein.

13 13. Answering Paragraph 13 of Plaintiff's First Amended Complaint, Defendant
14 is without knowledge or information sufficient to form a belief as to the truth or falsity of the
15 allegations contained therein and, on that basis, denies them.

16 14. Answering Paragraph 14 of Plaintiff's First Amended Complaint, Defendant
17 is without knowledge or information sufficient to form a belief as to the truth or falsity of the
18 allegations contained therein and, on that basis, denies them.

19 15. Answering Paragraph 15 of Plaintiff's First Amended Complaint, Defendant
20 is without knowledge or information sufficient to form a belief as to the truth or falsity of the
21 allegations contained therein and, on that basis, denies them.

22 16. Answering Paragraph 16 of Plaintiff's First Amended Complaint, Defendant
23 is without knowledge or information sufficient to form a belief as to the truth or falsity of the
24 allegations contained therein and, on that basis, denies them.

25 17. Answering Paragraph 17 of Plaintiff's First Amended Complaint, Defendant
26 is without knowledge or information sufficient to form a belief as to the truth or falsity of the
27 allegations contained therein and, on that basis, denies them.

28 18. Answering Paragraph 18 of Plaintiff's First Amended Complaint, Defendant

1 is without knowledge or information sufficient to form a belief as to the truth or falsity of the
2 allegations contained therein and, on that basis, denies them.

3 19. Answering Paragraph 19 of Plaintiff's First Amended Complaint, Defendant
4 is without knowledge or information sufficient to form a belief as to the truth or falsity of the
5 allegations contained therein and, on that basis, denies them.

6 **SECOND CAUSE OF ACTION**

7 **(Negligent Hiring, Training, Supervision and Policies/Procedures)**

8 20. Answering Paragraph 20 of Plaintiff's First Amended Complaint, Defendant
9 repeats and realleges its answers to Paragraphs 1 through 19 and incorporates the same
10 as though fully set forth herein.

11 21. Answering Paragraph 21 of Plaintiff's First Amended Complaint, Defendant
12 is without knowledge or information sufficient to form a belief as to the truth or falsity of the
13 allegations contained therein and, on that basis, denies them.

14 22. Answering Paragraph 22 of Plaintiff's First Amended Complaint, Defendant
15 is without knowledge or information sufficient to form a belief as to the truth or falsity of the
16 allegations contained therein and, on that basis, denies them.

17 23. Answering Paragraph 23 of Plaintiff's First Amended Complaint, Defendant
18 is without knowledge or information sufficient to form a belief as to the truth or falsity of the
19 allegations contained therein and, on that basis, denies them.

20 24. Answering Paragraph 24 of Plaintiff's First Amended Complaint, Defendant
21 is without knowledge or information sufficient to form a belief as to the truth or falsity of the
22 allegations contained therein and, on that basis, denies them.

23 **AFFIRMATIVE DEFENSES**

24 **FIRST AFFIRMATIVE DEFENSE**

25 Any injuries suffered by the Plaintiff were the result of her own negligence, and
26 therefore, Defendant is not responsible to the Plaintiff for any damages. In the event Plaintiff
27 is entitled to any damages, the amount of these damages should be reduced or barred by
28 the comparative fault of Plaintiff and any person whose negligent acts or omissions are

1 imputed to Plaintiff.

2 **SECOND AFFIRMATIVE DEFENSE**

3 Plaintiff knowingly, voluntarily and unreasonably undertook to encounter each of the
4 risks and hazards, if any, referred to in the First Amended Complaint and each alleged
5 cause of action, and this undertaking proximately caused and contributed to any loss, injury
6 or damages incurred by Plaintiff.

7 **THIRD AFFIRMATIVE DEFENSE**

8 Any loss, injury or damage incurred by Plaintiff was proximately caused by the
9 negligent or willful acts or omissions of third parties whom Defendant neither controlled nor
10 had the right to control, and were not proximately caused by any acts, omissions or other
11 conduct of Defendant.

12 **FOURTH AFFIRMATIVE DEFENSE**

13 Defendant alleges that at the time of the injuries alleged in the First Amended
14 Complaint, parties other than Defendant was negligent in and about the matters referred to
15 in said First Amended Complaint, and that such negligence on the part of said parties
16 proximately and concurrently contributed to any loss or damage, including non-economic
17 damages, complained of by Plaintiff, if any there were; and that Defendant herein shall not
18 be liable for said parties' proportionate share of damages.

19 **FIFTH AFFIRMATIVE DEFENSE**

20 Plaintiff failed to exercise due diligence to mitigate her loss, injury or damages;
21 accordingly, the amount of damages to which Plaintiff is entitled, if any, should be reduced
22 by the amount of damages which would have otherwise been mitigated.

23 **SIXTH AFFIRMATIVE DEFENSE**

24 Defendant owed no duties to Plaintiff as alleged and as such cannot be proximately
25 the cause of Plaintiff's damages.

26 **SEVENTH AFFIRMATIVE DEFENSE**

27 Plaintiff's First Amended Complaint is barred by applicable statutes of limitations
28 and/or the doctrine of laches and unclean hands.

1 **EIGHTH AFFIRMATIVE DEFENSE**

2 Defendant further alleges that the First Amended Complaint fails to state a claim
3 against Defendant upon which relief can be granted.

4 **NINTH AFFIRMATIVE DEFENSE**

5 That any damage claim by Plaintiff is speculative, is not supported by proof, and is
6 not compensable as a matter of law.

7 **TENTH AFFIRMATIVE DEFENSE**

8 Any harm or injury or claim of Plaintiff or cause of action of Plaintiff, as alleged or
9 stated in Plaintiff's First Amended Complaint, is barred by the doctrines of estoppel and
10 waiver as to all or part of the claims of Plaintiff.

11 **ELEVENTH AFFIRMATIVE DEFENSE**

12 All risks and dangers described in Plaintiff's First Amended Complaint were open,
13 obvious and known to Plaintiff, negating any duty to warn, and Plaintiff voluntarily assumed
14 said risks and dangers.

15 **TWELFTH AFFIRMATIVE DEFENSE**

16 Plaintiff has failed to exhaust all of her administrative remedies.

17 **THIRTEENTH AFFIRMATIVE DEFENSE**

18 This Honorable Court may not have jurisdiction over this answering Defendant.

19 **FOURTEENTH AFFIRMATIVE DEFENSE**

20 Defendant presently has insufficient knowledge or information on which to form a
21 belief as to whether it may have additional, as yet unstated, affirmative defenses available.
22 Pursuant to NRCP Rule 8, Rule 11, and Rule 12, Defendant reserves herein the right to
23 assert additional defenses in the event discovery indicates that they would be appropriate.

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PRAYER FOR RELIEF

WHEREFORE, Defendant prays for judgment as follows:

1. That Plaintiff take nothing by way of her First Amended Complaint;

2. That Defendant be awarded reasonable attorneys' fees and costs of suit incurred in defending this action;

3. All other and further relief the Court deems just and proper.

DATED this 20th day of February, 2025

Respectfully Submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

By /s/ David B. Avakian

JOSH COLE AICKLEN

Nevada Bar No. 007254

DAVID B. AVAKIAN

Nevada Bar No. 009502

YILMAZ E. TURKERI

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Attorneys for Defendant RAISING CANE'S
RESTAURANTS, L.L.C. D/B/A RAISING
CANES

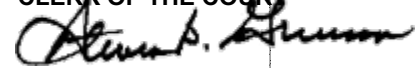
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Lewis Brisbois Bisgaard & Smith LLP and that on this 20th day of February, 2025, I served a true copy of the **DEFENDANT RAISING CANE'S RESTAURANTS, L.L.C. D/B/A RAISING CANE'S ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT** via electronic service as follows:

Ramzy Paul Ladah, Esq. Carl R. Houston, Esq. LADAH LAW FIRM 517 S. Third Street Las Vegas, NV 89101 Tel: (702) 252-0055 Fax: (702) 248-0055 Email: litigation@ladahlaw.com Attorneys for Plaintiff MARIA CARMEN RODRIGUEZ	
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By /s/ Peggy Kurilla
An Employee of
LEWIS BRISBOIS BISGAARD & SMITH LLP

IN THE EIGHTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF CLARK



MARIA CARMEN RODRIGUEZ,
Plaintiff(s),

VS.

CASE NO: A-23-878441-C

RAISING CANE'S RESTAURANTS, L.L.C. ET AL.,
Defendant(s),

DECLARATION OF SERVICE

SS.:

Samantha Curl, being duly sworn says: That at all times herein Affiant was and is a citizen of the United States, over 18 years of age, and not a party to nor interested in the proceedings in which this Affidavit is made.

That Affiant received copy(ies) of the **CIVIL SUMMONS; FIRST AMENDED COMPLAINT** On 2/14/2025 and served the same on 2/14/2025 at 2:55 PM by delivery and leaving a copy with:

Ana Gomes - Administration Assistant, pursuant to NRS 14.020 as a person of suitable age and discretion, of the office of C T CORPORATION SYSTEM, registered agent for VESTIS SERVICES, LLC, D/B/A ARAMARK, at the registered address of:

701 S Carson St Ste 200, Carson City, NV 89701-5239

A description of Ana Gomes is as follows

Gender	Color of Skin/Race	Hair	Age	Height	Weight
Female	Caucasian	Brown	36 - 40	5'7 - 6'0	281-300 Lbs

Pursuant to NRS 239B.030 this document does not contain the social security number of any person.

Affiant does hereby affirm under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

STATE OF NEVADA
COUNTY OF WASHOE

Executed on: 2/18/2025
by Samantha Curl
Registration: R-2022-02620

No notary is required per NRS 53.045

X


Samantha Curl
Registration#: R-2022-02620
LEGAL WINGS INC
1118 Fremont St
Las Vegas, NV 891015406
(702) 384-0305



Order#: R192785 NVPRF411